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10/787,093	02/27/2004	Gerhard D. Klassen	1679-5/JLW	4271

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CANADA

EXAMINER

KEATON, SHERROD L

ART UNIT

PAPER NUMBER

2175

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/787,093

**Applicant(s)**

KLASSEN ET AL.

**Examiner**

Sherrod Keaton

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the RCE filing of 6-8-2009. Claims 1-18 are pending and have been considered below:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Keyworth, II et al ("Keyworth" 5579472) in view of DeCarmo (20040010808 A1).

**Claim 1:** Keyworth discloses a computer program product comprising a computer-readable medium storing executable program code, which, when executed on a communications device configured to receive store and display heterogeneous

messages received in different formats to each message type causes the communications device to execute (Column 3, Lines 55-59);

the method of:

receiving a plurality of heterogeneous messages (Column 3, Lines 55-59);

storing each of said plurality of heterogeneous messages in a corresponding one of a plurality of message stores associated with the corresponding message type (Column 1, Lines 55-63; Column 9, Lines 41-46);

retrieving, from each of said plurality of message stores, at least one message matching at least one collating criterion (Figure 8; Column 7, Lines 1-6) the messages are of that specific user;

and displaying on a user interface of the communications device an ordered listing from each of said retrieved messages in a single view (Figure 8) and

continually retrieving and displaying heterogeneous messages matching the at least one collating criterion as they are received and stored in the corresponding one of the plurality of message stores such that said continually retrieved message are then incorporated into the ordered listing (Figure 8 and Figure 15; Column 4, Lines 36-41 and Column 10, Lines 15-25).

Keyworth does not disclose showing body message fragments and does disclose displaying information fields about the message (Figure 10). DeCarmo further discloses an instant message system and displaying a part of the message (or body fragment). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide body fragments in the information fields of the modified

Keyworth as taught by DeCarmo. One would have been motivated to provide the body fragment to allow the user to promptly decide the urgency of the message.

**Claim 10:** Claim 10 is similar in scope to Claim 1 and therefore rejected under the same rationale.

**Claims 2 and 11:** Keyworth and DeCarmo disclose a program and method as in claims 1 and 10 above, and further disclose wherein the different message types comprise at least two of email, IM or SMS (Keyworth: Column 3, Lines 60-63; Column 5, Lines 55-62). Pager is a SMS system

**Claims 3 and 12:** Keyworth and DeCarmo disclose a program and method as in claims 1 and 10 above, and further disclose wherein the different message types comprise at least two of email, IM, SMS and telephone (Keyworth: Column 3, Lines 55-63; Column 5, Lines 55-62). Pager is a SMS system

**Claims 5 and 14:** Keyworth and DeCarmo disclose a program and method as in claims 2 and 11 above, and further disclose wherein the plurality of heterogeneous message comprise at least one email message and at least one SMS message(Keyworth: Figure 8; Column 3, Lines 55-63; Column 5, Lines 55-62). Pager is a SMS system.

**Claims 6 and 15:** Keyworth and DeCarmo disclose a program and method as in claims 1 and 10 above, in which the method further comprises displaying a first defined icon representing the at least one collating criterion when the communications device is in receipt of no unread messages matching the at least one collating criterion and for displaying a second defined icon representing the at least one collating criterion when the communications device is in receipt of at least one unread message meeting at least one collating criterion (Keyworth: Figure 6). Shows new messages related to that VIP or provides blank icon.

**Claims 7 and 16:** Keyworth and DeCarmo disclose a program and method as in claims 1 and 10 above, and further discloses wherein the at least one matching criterion comprises a text string (Keyworth: Figure 15; Column 52-58) header looks for a VIP name (text).

**Claims 8 and 17:** Keyworth and DeCarmo disclose a program and method as in claims 1 and 10 above, and wherein the ordered listing comprises message body fragments associated with retrieved messages from a plurality of individuals (Keyworth: Figure 10). There is a provided an ordered listing of messages from a plurality of people DeCarmo provides the body message fragment that would be included in the information fields of Keyworth.

**Claims 9 and 18:** Keyworth and DeCarmo disclose a program and method as in claim 8 and 17 above, and wherein the plurality of individuals comprises a user associated with the communication device (Keyworth: Figure 10 shows who the message is from and which type of communication).

3. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Keyworth, II et al ("Keyworth" 5579472) and DeCarmo (20040010808 A1) as applied to Claim 1 and 10 in further view of Dang et al ("Dang" US 6571275 B1)

**Claims 4 and 13:** Keyworth, DeCarmo disclose a program and method as in claims 1 and 10 above, and the specified at least one collating criterion comprising a name associated with one entry in the address book. However Dang discloses filtering messages and further discloses using an address book as a criterion (Column 7, Line 58-Column 8, Line 10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the collating criteria be based on an address book in the modified Keyworth as taught by Dang. One would have been

motivated to provide an address book to provide improved query of names, groups, etc; therefore the system is more efficient and user-friendly.

### **Response to Arguments**

4. Applicant's arguments filed have been fully considered but they are not persuasive. Per the amendments the rejection has been revised to include Keyworth and DeCarmo to cover the limitations. Therefore the argument towards Schmidt and Keyworth are moot.
5. Further the combination of Keyworth and DeCarmo provides an ordered listing with information fields from a plurality of messages and the body message fragment functionality to cover the claim limitations and are further addressed above.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Art Unit: 2175

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

8-26-09

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175